

CHAPTER NO. 744

SENATE BILL NO. 3171

By Person

Substituted for: House Bill No. 3066

By John DeBerry

AN ACT To amend Tennessee Code Annotated, Section 42-4-110, relative to metropolitan airport authorities.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 42-4-110, is amended by deleting the section in its entirety, and by substituting instead the following language:

(a) The authority by action of its board may elect to come under the civil service plan of the creating municipality, to be administered by the civil service commission or board of such municipality; or may adopt its own civil service plan to be administered by the board, which plan shall include, but need not be limited to, the following provisions:

(1) Entry into the service on the basis of open competition; and service, promotions and remuneration on the basis of merit, efficiency and fitness;

(2) Classifications of the positions in the service;

(3) The rating of candidates on the basis of publicly announced job requirements and the maintenance of lists of eligible candidates;

(4) Employment of candidates from the eligible lists in the highest qualified rating;

(5) Probationary periods not to exceed six (6) months unless extended for disciplinary reasons;

(6) Suspensions, demotions or discharge of employees for cause only with the right of notice and review;

(7) Schedules of compensation and pay increases prepared by the president, or the president's designee, and approved by the board;

(8) Promotion on the basis of ascertained merit, seniority in service, and satisfaction of job requirements;

(9) Provision for keeping service records on all employees;

(10) Regulations for hours of work, attendance, holidays, leaves of absence and transfers; and procedures for layoffs, discharge, suspension, discipline and reinstatement; and

(11) Review by the board, or its designee pursuant to subsection (c) of this section, at the request of the employee in question and after


notice and public hearing of disciplinary actions, including demotion, suspensions in excess of five (5) days or discharge of any employee, which disciplinary actions, suspension or discharge may be affirmed or reversed. Findings of fact by the board shall not be subject to review by any court except for illegality or want of jurisdiction.

(b) A civil service plan adopted and administered by the board may include a provision exempting from the plan those persons employed to render professional, scientific, technical or expert service of a temporary or unusual character; persons primarily employed on projects funded from the proceeds of bonds issued by the authority or from grants or loans to be repaid from the proceeds of bonds issued by the authority or from grants received by the authority; and persons employed for a period of less than six (6) months in any twelve-month period or working thirty (30) hours or less per week.

(c) A civil service plan adopted and administered by the board may include a provision empowering the board to contract with the Secretary of State for the use of administrative law judges duly appointed pursuant to §4-5-102(1), or to delegate to any other designated person(s), on a case-by-case basis, the authority to hear appeals and decide whether any disciplinary action taken should be affirmed or reversed.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.


JOHN S. WILDER
SPEAKER OF THE SENATE


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES

PASSED: April 1, 1998

APPROVED this 15th day of April 1998


DON SUNDQUIST, GOVERNOR